IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26854 of 2007(V)

PETITIONER:

1. SUSAN JACOB, ARCHITECT,
   OFFICE OF THE CHIEF ARCHITECT,
   P.W.D., THIRUVANANTHAPURAM.

2. C.V.DILEEP KUMAR, ARCHITECT,
   OFFICE OF THE CHIEF ARCHITECT,
   P.W.D. THIRUVANANTHAPURAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU CHEMPAZHANTHIYIL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
   PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ARCHITECT,
   PUBLIC WORKS DEPARTMENT,
   PUBLIC OFFICE, VIKAS BHAVAN P.O.,
   THIRUVANANTHAPURAM - 33.

3. THE CHIEF ENGINEER (ADMINISTRATION),
   PUBLIC WORKS DEPARTMENT,
   PUBLIC OFFICE, VIKAS BHAVAN P.O.,
   THIRUVANANTHAPURAM - 33.

4. THE ACCOUNTANT GENERAL,
   OFFICE OF THE ACCOUNTANT GENERAL,
   ROUND NORTH, THRISSUR.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

==========

W.P.(C) NO. 26854 OF 2007

==========

Dated this the 10th day of September, 2007.

JUDGMENT

The petitioners are working as Architects under the Kerala Architectural Service with effect from 25.04.2003 and 24.09.2003. According to the petitioners, they were qualified for promotion in terms of the Special Rules - Ext.P10. Normally their probation should have been declared. According to the petitioners, there is delay in declaration of probation. Ext.P5 was forwarded by the Chief Engineer to the Secretary to Government seeking declaration of probation of the petitioners- Exts. P5 and P5(a) with effect from 25.04.2004 24.09.2004 respectively. That is yet to be done on the premise that the promotions of the petitioners were provisional and are to be regularised. Hence, the writ petition seeking a direction to regularise the promotion so as to enable the petitioners thereafter to see that increments which fell due subsequent to 2004 are given effect to in the pay drawn by the petitioner.

2. I have heard the learned Government Pleader who appeared on behalf of the respondents.

3. Ext.P8 is the proposal forwarded by the Chief Engineer to the Secretary to Government forwarding the applications of the petitioners

for declaration of the probation. Ext.P9 was issued by the Government stating that the promotion of the petitioners were temporary and has to be regularised. Ext.P9 is dated 29.08.2006. Ext.P8 indicates that there is no departmental disciplinary action against the petitioner. In the circumstances, the decision has to be taken by the Government, in the matter of regularising the promotion of the petitioners. This obviously can be done only after the probation is declared.

4. In the circumstances, the 1st respondent shall take a decision in the matter of declaring the probation of the petitioners in the post of architect and also as to whether the promotions are to be regularised, and if so the date of effect of such regularisation. Necessary decision may be taken in this regard within a period of three months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment along with the representation indicating the details before the 1st respondent within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

rv